



**FARMERS
BRANCH**

ORDINANCE NUMBER 2119

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED; SO AS TO GRANT A SPECIFIC USE PERMIT FOR AN AUTO PAINT AND BODY REPAIR FACILITY WITHIN THE OLD FARMERS BRANCH SPECIAL DISTRICT (PLANNED DEVELOPMENT NO. 70) AT 2316 HAVENHURST STREET; PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the Charter of the City of Farmers Branch, and the State Law with reference to amendments to the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that said change in zoning use should be made;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit for an auto paint and body repair facility on a 0.425 acre tract located at 2316 Havenhurst Street, and within the Old Farmers Branch Special District (Planned Development Number 70).

SECTION 2. That said auto paint and body repair facility shall be constructed and operated in the manner shown on the approved site plan attached as Exhibit "A".

SECTION 3. That the auto paint and body repair facility shall be operated in conformance with the following conditions:

1. The lot area between the west property line and west face of the building shall be permanently screened. Should the so identified "temporary" screening fence be removed from the neighboring property, the same type of screening fence must then be erected on-site to screen the entire lot area between the west property line and the west face of the building.
2. Should the five parking spaces located on the adjoining property be eliminated or permission to use them be revoked, and the loss of said parking spaces adversely affects operation of the use permitted by this SUP or neighboring properties, an equal amount of parking spaces which fully comply with the applicable zoning requirements, must then be provided.
3. Any vehicles kept on-site during hours in which the facility is not open to the public shall be stored within the screened storage parking area or within the building.
4. All repair work shall be conducted exclusively within the building.

SECTION 4. That, in accordance with Ordinance 2111, amending the Comprehensive Zoning Ordinance and establishing the Old Farmers Branch Special District (Planned Development No. 70), the Planning and Zoning Commission has granted special exceptions allowing for a reduction in required parking from twenty (20) to nineteen (19) spaces and a reduction in the required pavement setback fronting Havenhurst Street from ten (10) to six (6) feet.

~~SECTION 5.~~ That said special exceptions shall apply exclusively to the use approved under this Specific Use Permit and shall remain in effect as long as the use shall continue to exist and operate in compliance with the requirements of the Comprehensive Zoning Ordinance and all applicable conditions and requirements set forth herein.

SECTION 6. That the above described property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas as herein amended by the granting of a Specific Use Permit for an auto paint and body repair facility at 2316 Havenhurst Street.

SECTION 7. Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punishable by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

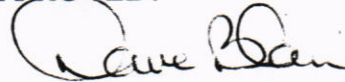
SECTION 8. If any section, paragraph, subdivision, clause, phrase, provision, or word of this ordinance shall be judged invalid or unconstitutional such judgement shall not affect the remainder of this ordinance.

SECTION 9. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 10. This ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, and as the law in such case provides.

Duly passed by the City Council of the City of Farmers Branch, Texas, on this 23rd
City of May, 1994.

APPROVED:



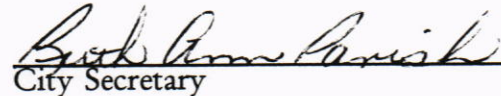
Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary

